

INTRODUCED BY MR. MORRISON,

January 21, 1919.

REFERRED TO COMMITTEE ON MEDICAL AND DENTAL LAWS.

An act authorizing and regulating the practice of chiropractic in the State of California; creating a state board of chiropractic examiners; providing for the appointment of the same; defining its powers, duties and emoluments; to provide a standard of education for chiropractors; to provide penalties for the violation of this act; to provide for the examination and licensing of chiropractors in the State of California, and to repeal any or all parts of any act or acts in conflict with this act.

The people of the State of California do enact as follows:

1 SECTION 1. A board is hereby created and established to be
2 known as the board of chiropractic examiners of the State of
3 California. Said board shall be composed of five persons who
4 are graduates of and hold diplomas issued to them by a legally
5 chartered school or college of chiropractic, after having taken
6 the residence course therein, which said school or college shall
7 have had, at the time of the issuance of said diploma, a resi-
8 dence course of at least one school year of not less than eight
9 months, and each of said persons shall present to the governor
10 satisfactory evidence of good moral character and integrity,
11 and shall have been a citizen of and practicing chiropractic in
12 the State of California for a period of not less than two years
13 next preceding the date of the going into effect of this act; and
14 appointments shall be so made that no two persons shall serve
15 simultaneously as members of said board, whose first diplomas
16 were issued by the same school or college of chiropractic.

17 SEC. 2. The governor of the State of California shall within
18 thirty days after the going into effect of this act, appoint five
19 persons who shall possess the qualities and qualifications as
20 specified and set forth in section one of this act, to constitute
21 the membership of said state board of chiropractic examiners;
22 tenure in office of said members shall be so arranged as to time

1 that one shall serve one year, two shall serve two years and two
2 shall serve the full term of three years. Annually thereafter,
3 or as there may be vacancies on said board, the governor shall
4 appoint members who shall be selected from among those
5 licensed under and by virtue of this act, and who shall possess
6 the qualities and qualifications as specified and set forth in
7 section one of this act. No person in any manner owning any
8 interest in any school, college or institution engaged in chiro-
9 practic instruction shall be appointed to said board. The gov-
10 ernor shall have the power, and upon the presentation of suffi-
11 cient evidence to substantiate the charge, shall remove any
12 member of the board for neglect of duty, incompetency, con-
13 tinued refusal or failure to act in his official capacity on said
14 board, or for unprofessional conduct. Each appointee shall,
15 before entering upon the duties of his office, take the constitu-
16 tional oath of office. A license to practice chiropractic within
17 the State of California shall be issued to the individual mem-
18 bers of said first board at the first meeting of said board herein
19 provided, upon the payment of the regular fee as provided for
20 in this act.

21 SEC. 3. Within thirty days after their appointment, and
22 annually thereafter, said board of examiners shall convene and
23 elect from its members a president, secretary and treasurer.
24 Said board shall meet, for the examination of applicants for
25 license to practice chiropractic, on or before the first Tuesday
26 in April of each year, in the city of Los Angeles and on or
27 before the first Tuesday in October of each year in the city of
28 San Francisco; *provided, however*, that additional or adjourned
29 meetings may, at the discretion of the board, be held at any
30 county seat in the state. Notice of each regular or special meet-
31 ing shall be given twice each week for two weeks next preceding
32 each such meeting in one daily newspaper published in the city
33 of San Francisco, one published in the city of Sacramento, one
34 published in the city of Los Angeles and one published in the
35 city of San Diego, which notices shall specify the time and place
36 of meeting for the examination of applicants. The board shall
37 receive, through its secretary, applications for license to practice
38 chiropractic as provided in this act; and shall, on or before the
39 first day of January of each year transmit to the governor of
40 the State of California, a full report of all of its proceedings
41 together with a report of its receipts and disbursements for the
42 year next preceding such report. The board shall, on or before
43 the first day of January of each year, compile a complete direc-
44 tory giving the names and addresses of all persons who hold
45 unrevoked licenses to practice chiropractic in this state, said
46 license having been issued under and by the virtue of this act.
47 Said directory shall contain in addition to the names and
48 addresses of said persons, the names and symbols indicating the
49 titles or degrees, and the names of the schools or colleges having
50 conferred such degrees or titles upon each of said persons, and
51 the date of issuance, by the board, of said license. It shall
52 be the duty of any person holding license under this act, to rep-

1 immediately each change of address, giving both the old and
2 new address.

3 SEC. 4. The office of the board shall be in the city of Sacra-
4 mento. Suboffices may be established in Los Angeles and San
5 Francisco, and such records as may be necessary may be trans-
6 ferred temporarily to such suboffices. Legal proceedings
7 against the board may be instituted in any one of said three
8 cities.

9 SEC. 5. The board shall adopt a seal, which shall be affixed
10 to all licenses issued by it, and may from time to time adopt
11 such rules as may be necessary to enable said board to carry
12 into effect the provisions of this act. It shall require the affir-
13 mative vote of three members of said board to carry any motion
14 or resolution, to adopt any rule, to pass any measure, or to
15 authorize the issuance of any certificate provided for in this act.
16 The board shall issue a certificate to any applicant who shall
17 fulfill the requirements of this act. Any member of the board
18 may administer oaths in any matter pertaining to the duties of
19 the board, and the board shall have authority to take evidence
20 in any matter cognizable by it. The board shall keep a record
21 of all its proceedings, a part of which record shall consist of a
22 register of all applications for license to practice chiropractic,
23 and the action of the board upon each such application.

24 SEC. 6. The board is authorized to prosecute all persons
25 guilty of violation of this act, and shall have power to employ
26 legal counsel for such purposes, and shall employ such clerical
27 assistance as it may deem necessary. The board shall fix the
28 salary of the secretary not to exceed the sum of one thousand
29 two hundred dollars per annum, and the sum to be paid to other
30 members of the board not to exceed ten dollars per diem each,
31 for each day of actual service in the discharge of official duties
32 of said board, and the board may at its discretion add to said
33 sum necessary traveling expenses of members to and from the
34 place of the meeting of the board.

35 SEC. 7. All fees collected on behalf of the state board of
36 chiropractic examiners of California, and the receipts of all
37 funds shall be reported at the beginning of each month for the
38 month preceding to the state controller, and at the same time
39 the entire amount of such collections shall be paid into the
40 treasury of the state and shall be credited to a fund to be known
41 as the state board of chiropractic examiners' contingent fund,
42 which fund is hereby created. Said contingent fund shall be
43 for the use of the state board of chiropractic examiners, and
44 from it shall be paid all salaries and other expenses necessarily
45 incurred in carrying into effect the provisions of this act. An
46 amount not to exceed one thousand dollars may be drawn from
47 the contingent fund herein created, said amount to be used as
48 a revolving fund where cash advances are necessary. All
49 expenditures from said revolving fund shall be substantiated
50 by vouchers and itemized statements at the end of each fiscal
51 year or at any time when demand therefor is made by the
52 board of control.

SEC. 8. Every applicant for a license to practice chiropractic shall pay to the secretary of the board a fee of twenty-five dollars, which shall be paid to the treasurer of the board by the secretary thereof. In case the applicant's credentials are insufficient, or in case he does not take the examination, the sum of fifteen dollars shall be returned to said applicant.

SEC. 9. One form of certificate shall be issued by the board of chiropractic examiners of the State of California, which said certificate shall be designated "license to practice chiropractic" and shall authorize the holder thereof to practice chiropractic in the State of California; provided, however, that said certificate shall not authorize the holder thereof to administer any drug or drugs, or what are known as medicinal preparations, to, or in any manner penetrate or sever the tissues of human beings, or to practice obstetrics.

SEC. 10. Every applicant for license must file with the board at least two weeks prior to the regular or special meeting thereof, satisfactory evidence of good moral character, and every applicant must show that he has attended two courses of study, each such course to have been of not less than thirty-two weeks duration and not less than one thousand hours for each of such courses, or a total time of not less than sixty-four weeks and two thousand hours; provided, however, that said courses shall not necessarily have been pursued continuously or consecutively. Every application shall be made upon a form furnished by the board, which form shall contain such information concerning the instruction and the preliminary education of the applicant as this act provides; provided, however, that nothing in this section shall be construed as to apply to applicants for examination as set forth in section eighteen of this act. In addition to the requirements hereinbefore provided, on or after the first day of September, 1921, every applicant for a license as herein provided, shall present to the board satisfactory evidence that he is a high school graduate or the equivalent thereof. Every applicant shall make affidavit, stating that each and every statement made in, and all entries made upon, the application presented by him to said board are correct and true.

SEC. 11. Applicants for certificates under this act, except as hereinafter provided and set forth in section eighteen of this act, shall file satisfactory evidence of having pursued a legally chartered school or college of chiropractic the residence course consisting of the following minimum requirements to wit:

Group 1—700 hours:	
Anatomy	600
Histology	100
Group 2—300 hours:	
Physiology	250
Chemistry and Toxicology	50

Group 3—310 hours:	
Pathology	240
Bacteriology	70
Group 4—390 hours:	
Diagnosis or analysis	300
Hygiene and sanitation	90
Group 5—300 hours:	
Theory	300
Practice	
Technic	

Total 2,000 hours

In the course of study as herein outlined, the hours specified shall be actual work in the classroom, laboratory, clinic or hospital, and at least eighty per cent of actual attendance shall be required; provided, however, that the hours herein required in any one subject need not exceed seventy-five per cent of the number specified, but that the total number of hours in all subjects of each group shall not be less than the total number specified for such group.

SEC. 12. Applicants for certificate of license, as provided for in this act, except as is set forth in section eighteen hereof, shall pass an examination in the subjects, specified in section eleven of this act. All examinations shall be practical in character and shall be according to the teachings of chiropractic, and designed to ascertain the fitness of the applicant to practice chiropractic; and shall be conducted in the English language, and at least a portion of the examination in each subject shall be in writing. There shall be at least ten questions on each subject, the answers to which shall be marked on a scale of zero to ten on each question. Each applicant shall obtain no less than a general average of seventy-five per cent, and not less than sixty per cent on any two subjects; provided, that any applicant shall be granted a credit of one per cent upon the general average for each year of actual practice since graduation. The examination papers shall form a part of the records of the board and shall be kept on file by the secretary for a period of one year after each examination. In said examination the applicant shall be known and designated by number only, said number to be assigned by the secretary of the board, and the name attached to the number shall be kept secret until after the board has finally voted upon the application. The secretary of the board shall in no instance participate as an examiner in any examination held by the board, nor vote upon any application for a certificate of license. All questions on all subjects in which examination is required under this act shall be provided by the board upon the morning of the day upon which examinations are given in said subjects; and when it shall be shown that the secretary or any member of the board has in any manner given any information, in advance or during examination, to any appli-

cant it shall be the duty of the governor to remove such person from the board of examiners or from the office of secretary.

SEC. 13. Said board shall revoke the certificate of license issued under this act to any person guilty of unprofessional conduct. Said board shall adopt rules of practice and procedure pursuant and under and by virtue of the laws of the State of California, by which any person charged with unprofessional conduct may be tried. In every instance where a person is charged with unprofessional conduct, such person, before suspension or revocation of his license shall be cited to appear and be given an opportunity to defend himself by counsel or otherwise in said trial by said board. In the event the certificate of license of any person is revoked or suspended, the secretary shall enter upon the register the fact of such suspension or revocation, under the seal of the board, to the county clerk of the county or counties in which the certificate of the person whose certificate has been revoked is recorded at the time of such revocation. The words "unprofessional conduct" as used in this act, are hereby declared to mean:

First—The procuring or aiding or abetting in the procuring of a criminal abortion.

Second—The wilfully betraying of a professional secret.

Third—All advertising which is intended to or has tendency to deceive the public or impose upon credulous or ignorant persons, and so be harmful or injurious to the public morals or safety, or the advertising of a chiropractor that he is practicing medicine, surgery or osteopathy or any other system or mode of treating the sick or afflicted in the State of California, for which he does not at the time of so doing hold an unrevoked certificate of license to practice such method or system issued to him by a board, which said board has been legally constituted and established by law in the State of California.

Fourth—All advertising of any means whereby the monthly periods of women can be regulated or the menses reestablished if suppressed.

Fifth—Conviction of any offense involving moral turpitude in which case the record of such conviction shall be prima facie evidence.

Sixth—Habitual intemperance.

Seventh—The personation of another licensed chiropractor.

Eighth—The use, by the holder of a license issued under this act, in a sign or advertisement in connection with practice, of any fictitious name.

Ninth—The use by a holder of a license to practice chiropractic of any drug or what is known as medicinal preparation in or upon the body of human beings, or the puncturing or severing of the tissues of the body or bodies of human beings.

Tenth—Advertising, directly, indirectly or in substance upon any card, sign, newspaper advertisement, or other written or printed sign or advertisement, that the holder of such certificate or any other person, company or association by which

or she is employed, or in whose service he or she is, will treat, cure or attempt to treat or cure, any venereal disease, or will treat or cure, or attempt to treat or cure, any person afflicted with any venereal disease, lost manhood, sexual weakness; or being employed by, or being in the service of any person, company or association so advertising.

Eleventh—The use by the holder of a license to practice chiropractic of the letters "M. D.," or the words "doctor of medicine," or the term "surgeon," or the term "physician," or the word "osteopath," or the letters "D. O.," or any other letters, prefixes or suffixes, the use of which would indicate that he was practicing a profession for which he held no license from the State of California.

Twelfth—The procuring of a license, as issued under this act, by fraud or misrepresentation.

SEC. 14. Every person holding a certificate of license authorizing him to practice chiropractic as set forth in this act shall file said certificate of license for record in the office of the county clerk of the county or counties in which the holder thereof shall practice, and the fact of such recordation shall be endorsed on said certificate by the clerk of the county or counties in which said certificate of license is recorded; and any person who shall practice chiropractic in any county within the State of California without first having filed his certificate with the county clerk or clerks of the county or counties in which said person shall practice as provided herein shall be guilty of a misdemeanor and shall be punished by a fine of not more than one hundred dollars, or by imprisonment of not more than sixty days or by both such fine and imprisonment.

SEC. 15. The clerk of the several counties shall keep in a book provided for the purpose a complete list of all certificates of license as provided in this act, and the dates of filing of said certificates, and said record shall be open to the public for inspection during office hours.

SEC. 16. Any person who shall practice, or attempt to practice, or who shall advertise or hold himself out as practicing chiropractic in the State of California without having at the time of so doing a valid and unrevoked certificate as provided in this act, or who shall in any sign or advertisement use the letters "D. C.," or the words "doctor of chiropractic," or the term "chiropractor" or any other letter or letters or word or words, indicating thereby that he is practicing, or entitled to practice chiropractic in the State of California, without having at the time of so doing a valid and unrevoked certificate of license as provided in this act, shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than six hundred (600) dollars or by imprisonment in the county jail for a term of not more than one hundred and eighty (180) days, or by both such fine and imprisonment. Upon conviction of a person for violation of

this act, the fine, when collected, shall be paid to the state treasurer and a report thereof made to the state controller.

SEC. 17. Nothing in this act shall be construed to prohibit service in case of emergency, or the domestic administration of chiropractic, nor shall this act apply to any chiropractor from any other state or territory who is actually consulting with a licensed chiropractor in this state; *provided*, that such consulting chiropractor shall not open an office or appoint place to receive patients within the limits of this state; nor shall anything in this act be construed to prohibit or regulate healing by prayer or religious faith, nor to interfere with the practice of religion in the State of California.

SEC. 18. Any person who shall pay the fee of twenty-five dollars to the secretary of the board prior to July 1, 1919, and submits satisfactory proof of good moral character, and who is a resident of this state and holds a diploma from a legal chartered school or schools of chiropractic, and that said course or courses of instruction pursued shall have totalled not less than one thousand hours, but not necessarily pursued consecutively nor continuously, and who shall have enrolled in a school or college, having issued said diploma, prior to July 1, 1918, shall be admitted to an oral, practical and clinical examination, and upon proof of competency in the practice of chiropractic, shall be granted a license to practice chiropractic in the State of California.

SEC. 19. Any person of good moral character who holds an unrevoked certificate to practice chiropractic, which said certificate was issued to said person by a chiropractic examining board, or by any other board or officer authorized by law to issue a license entitling the holder thereof to practice chiropractic in the District of Columbia, or in any state or territory of the United States, or with proof satisfactory to the board of chiropractic examiners of the State of California that a copy of said certificate presented to said board is a true and correct copy, shall upon the presentation of said certificate and a copy thereof, to the board of chiropractic examiners of the State of California and payment of the fee of twenty-five dollars, be entitled to and shall receive a certificate of license to practice chiropractic in the State of California without examination; *provided, however*, that the requirements of said chiropractic examining board, or other board or officer of the state having issued said certificate were in no degree less particular than those which were required for the issuance of a license to practice chiropractic in the State of California at the time of the issuance of such certificate.

SEC. 19a. Chiropractic is hereby declared not to be a method or mode of treating diseases, injuries, deformities, or other physical or mental conditions of human beings within the meaning of an act entitled "An act to regulate the examination of applicants for license and the practice of those licensed to treat diseases, injuries, deformities, or other physical conditions of human beings; to establish a board

examiners, to provide for their appointment and prescribe their powers and duties, and to repeal an act entitled 'An act for the regulation of the practice of medicine and surgery, osteopathy and other systems or modes of treating the sick or afflicted, in the State of California, and for the appointment of a board of medical examiners in the matter of said regulation,' approved March 14, 1907, and the acts amendatory thereof, and also to repeal all other acts and parts of acts in conflict with this act," approved June 2, 1913, or any act or acts amendatory thereof.

SEC. 20. Any or all parts of any act or acts in conflict with this act are hereby repealed.